

Tuesday, February 10, 1975

S.B. 83 - Senator Doggett
S.B. 90 - Senator Doggett
S.R. 117 - Senator Moore

MEMORIAL RESOLUTIONS

S.R. 151 - By Senator Snelson: Memorial resolution for Mrs. Alda Parsons.

S.R. 152 - By Senator Snelson: Memorial resolution for Howard Lee Westfall.

S.R. 153 - By Senator Snelson: Memorial resolution for Leonard Mortimer "Len" Mertz.

S.R. 154 - By Senator Adams: Memorial resolution for William Lee Baldree.

S.R. 155 - By Senator Adams: Memorial resolution for Captain H. G. Neely.

S.R. 156 - By Senator Adams: Memorial resolution for William Perry Smith.

S.R. 157 - By Senator Adams: Memorial resolution for Mrs. D. H. (Cara May) Patrick.

WELCOME RESOLUTIONS

S.R. 150 - By Senator Mauzy: Extending welcome to Boy Scout Troop #503.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:07 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

(February 10, 1975)

Sent to Governor

S.J.R. 3

Sent to Comptroller

S.B. 50

SEVENTEENTH DAY (Tuesday, February 11, 1975)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called

to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Tracger and Williams.

A quorum was announced present.

Pastor Edwin Schwanke, St. Paul's Lutheran Church, Austin, Texas, offered the invocation as follows:

Lord, this could be just another day, or it could be a day filled with meaning. Help me to see its meaning, Lord, this could be just another session or it could be a very productive one. Help me to make a contribution to its productiveness.

As I look around Lord, I could dismiss my colleagues and say "It's the same old crowd", or I could see them as women and men concerned about people and good government. Help me to see them in that way. Lord, I can write off the mail I receive claiming superior insight, or I can be responsive and sensitive to people. Give me such responsiveness and sensitivity.

Bless this session today and help me to make a significant contribution to the welfare of all the people of Texas.

In the name of Jesus Christ, I pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 204
S.B. 206
S.B. 207
S.B. 208

Senator Creighton submitted the following reports for the Committee on Economic Development:

Alfredo Villalobos and Clarence E. Long to be Members of The Texas Mass Transportation Committee.

Edwin Brown and V. A. Clements, Jr., to be Members of the Banking Section of the Finance Commission of Texas.

James R. Dickson, Jr. and Robert B. Baldwin III to be Members of the Building and Loan Section of the Finance Commission of Texas.

Senator Moore submitted the following reports for the Committee on State Affairs:

C.S.S.B. 195 (Read first time)
S.B. 115 (Amended)

Senator Aikin submitted the following report for the Committee on Texas Constitution:

H.J.R. 6

Senator Aikin submitted the following reports for the Committee on Finance:

S.B. 68
S.B. 72
S.B. 70 (Amended)
H.B. 102
H.B. 220

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Mengden:

S.B. 286, A bill to be entitled An Act abolishing the insanity defense in criminal cases; repealing Section 8.01, Penal Code; amending Section 2, Article 46.02, Code of Criminal Procedure, 1965, as amended; repealing Section 3, Article 46.02, Code of Criminal Procedure, 1965; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Mengden:

S.B. 287, A bill to be entitled An Act amending Article 38.22, Code of Criminal Procedure, 1965, as amended; providing rules governing admission in evidence at the trial of a criminal case of the oral statements and admissions of guilt made by the accused; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Brooks and Traeger:

S.B. 288, A bill to be entitled An Act relating to the creation, establishment, administration, powers, duties, and functions of the Division of Occupational Safety in the State Department of Health, the Occupational Safety Board and the Occupational Safety Hearings Commission, and the General Advisory Committee and Subcommittees for Occupational Safety; repealing Chapter 201, Acts of the 60th Legislature, Regular Session, 1967 (Article 5182a, Vernon's Texas Civil Statutes); providing penalties; and declaring an emergency.

To Committee on State Affairs.

By Senator Lombardino:

S.B. 289, A bill to be entitled An Act relating to the terms of court of the 187th District Court; amending Section 3.014, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), by adding Subsection (c); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Braecklein and Clower:

S.B. 290, A bill to be entitled An Act enabling a home rule city to appoint an environmental health officer to enforce nuisance abatement; amending Chapter 178, Acts of the 49th Legislature, Regular Session, 1945 (Article 4477-1, Vernon's Texas Civil Statutes) as amended; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Braecklein:

S.B. 291, A bill to be entitled An Act relating to the powers, duties, and functions of certain state agencies and subdivisions; establishing a state policy on the environment; creating the Office of Environmental Quality; requiring the governor to submit a report on the environment to the legislature; authorizing certain court actions; and declaring an emergency.

To Committee on Natural Resources.

By Senator Braecklein:

S.B. 292, A bill to be entitled An Act relating to the performance of work for the county by prisoners in a county jail; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Mauzy:

S.B. 293, A bill to be entitled An Act relating to damages recoverable by a parent in an action for the wrongful death of a minor child; amending Articles 4671 and 4673, Revised Civil Statutes of Texas, 1925; amending Title 77, Revised Civil Statutes of Texas, 1925, by adding an Article 4671-1; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Mauzy:

S.B. 294, A bill to be entitled An Act relating to interest rates on judgments of the courts of this state; amending Article 1.05, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-1.05, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Mauzy:

S.B. 295, A bill to be entitled An Act relating to workmen's compensation awards; amending Subsection (a), Section 8, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, and adding Subsection (e); amending Sections 10 and 11, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Section 5a, Article 8307, Revised Civil Statutes of Texas, 1925; amending Section 1, Chapter 248, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 8306a, Revised Civil Statutes of Texas); repealing Section 12, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; providing an effective date; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Mauzy:

S.B. 296, A bill to be entitled An Act relating to venue in civil actions; amending Article 1995, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Jurisprudence.

By Senators Longoria and Schwartz:

S.B. 298, A bill to be entitled An Act relating to including all cities, towns, and villages under the provisions of Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes), authorizing the construction of city facilities, issuance of revenue bonds, and imposition of a local hotel occupancy tax; amending Section 1, Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Longoria:

S.B. 299, A bill to be entitled An Act relating to increasing the membership of the Parks and Wildlife Commission; amending Subsection (b), (c), (d), and (e), Section 1, Chapter 58, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 978f-3a, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Natural Resources.

By Senator Creighton:

S.B. 301, A bill to be entitled An Act relating to the option of covering certain salesmen in a subscriber's workmen's compensation insurance contract; amending Section 1a, Article 8309, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Economic Development.

By Senator Creighton:

S.B. 302, A bill to be entitled An Act relating to secured transactions; amending Section 9.110, Subsections (c), (e), and (f) of Section 9.402, Subsections (e), (f), and (g) of Section 9.403, Subsection (c) of Section 9.404, Subsection (a) of Section 9.405, Section 9.406, Subsection (c) of Section 9.504, Subsection (b) of Section 9.505, Subsections (b) and (d) of Section 11.105, and Section 11.108, Business & Commerce Code, as amended; amending Articles 6626, 6627, and 6630, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Economic Development.

By Senator Farabee:

S.B. 303, A bill to be entitled An Act amending Chapter 64, Acts of the 52nd Legislature, 1951, as amended (Article 5139F, Vernon's Texas Civil Statutes, Section 1) relating to the Juvenile Board in counties of 110,000 to 125,500, providing for compensation to Juvenile Board Members; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Farabee:

S.B. 304, A bill to be entitled An Act amending Subsection (c), Section 25.07, Texas Education Code, so as to change the amount of surety bond requirement of a tax collector of a rural high school district having its own tax collector; and declaring an emergency.

To Committee on Education.

By Senator Jones:

S.B. 305, A bill to be entitled An Act prohibiting certain financial institutions as defined in this Act from being licensed as managing general agents; amending the Managing General Agents' Licensing Act (Article 21.07-3, Vernon's Texas Insurance Code); and declaring an emergency.

To Committee on Economic Development.

By Senator Jones:

S.B. 306, A bill to be entitled An Act relating to authority of certain insurance agents to enter into and establish retail charge agreements with certain persons; amending Chapter 12, Title 79, Revised Civil Statutes of Texas, 1925 (Article 5069-12.01, et seq., Vernon's Texas Civil Statutes), by adding Article 12.20; and declaring an emergency.

To Committee on Economic Development.

By Senator Jones:

S.B. 307, A bill to be entitled An Act prohibiting certain practices relating to insurance of real and personal property and providing certain exceptions; amending Article 21.48A, Insurance Code; providing a penalty; and declaring an emergency.

To Committee on Economic Development.

By Senator Snelson:

S.B. 310, A bill to be entitled An Act relating to the authority of the Texas State Board of Medical Examiners to extend the expiration date of a temporary license; amending Chapter 6, Title 71, Revised Civil Statutes of Texas, 1925, as amended, by adding a new article to be designated Article 4511c; and declaring an emergency.

To Committee on Human Resources.

By Senator Snelson:

S.B. 311, A bill to be entitled An Act relating to certain supplemental fees and charges to be charged by the Texas State Board of Medical Examiners; amending Chapter 6, Title 71, Revised Civil Statutes of Texas, 1925, as amended, by adding a new article to be designated Article 4511a; providing for severability; and declaring an emergency.

To Committee on Finance.

By Senator Gammage:

S.B. 312, A bill to be entitled An Act relating to longevity pay for commissioned law-enforcement personnel of certain state agencies; and declaring an emergency.

To Committee on State Affairs.

By Senator Gammage:

S.B. 313, A bill to be entitled An Act amending Chapter 13 of Vernon's Texas Civil Statutes by adding thereto Article 1169a authorizing the governing body of any Home Rule City to cause to be prepared a proposed new charter for such city and to submit the same to the qualified electors of such city for adoption or rejection; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Aikin:

S.B. 314, A bill to be entitled An Act providing for a supplemental appropriation to the comptroller of public accounts for consumable supplies and materials, current and recurring operating expense, and capital outlay for the year ending August 31, 1975, by the amount of \$472,000; and declaring an emergency.

To Committee on Finance. (Submitted by the Governor as an emergency.)

By Senators Mengden and Ogg:

S.J.R. 31, Proposing a constitutional amendment to permit the detention without bail, under certain conditions, of a person accused of a felony involving violence against another if he has previously been convicted of a felony involving violence against another.

To Committee on Texas Constitution.

By Senator Lombardino:

S.J.R. 32, Proposing that Article III of the Texas Constitution be amended by adding Section 51h relating to housing assistance for senior citizens.

To Committee on Texas Constitution.

By Senator Braecklein:

S.J.R. 33, Proposing an amendment to Article IX of the Texas Constitution by adding Section 9a to authorize the Legislature to provide for the reimbursement to certain hospital districts and counties of the cost of providing medical or hospital care to needy inhabitants of other hospital districts or counties.

To Committee on Texas Constitution.

By Senator Sherman:

S.C.R. 23, Requesting all state officials to cooperate with congressional delegation and to supply all relevant material regarding impact on citizens of Texas of existing and proposed energy policies.

To Committee on Natural Resources. (The Resolution having been read first time on yesterday.)

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 11, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 216, A bill to be entitled An Act relating to supplemental contingency appropriations to the Central Education Agency and to the Coordinating Board, Texas College and University Systems, for allocation to public junior colleges and community colleges for vocational-technical programs and academic programs; and declaring an emergency. Passed, subject to Sec. 49A, Art. 3, Constitution of Texas.

S.C.R. 22, In memory of Texas Ranger Captain James E. "Jim" Riddles.

H.C.R. 36, Designating the second week in February as Texas Black History Week.

S.B. 35, Abolishing the scholastic census; repealing Chapter 14, Texas Education Code; and declaring an emergency.

H.C.R. 37, Commending the Honorable John Allen.

H.C.R. 44, Congratulating the Cuero High School football team.

S.B. 62, Amending Subsection (d) of Section 3.31, Texas Education Code, relating to minimum benefits for retired auxiliary members of the Texas Retirement System and for those who retire in the future; amending Section 3.38, Texas Education Code, to apply minimum benefits for auxiliary members to those already retired and to raise benefits payable to retired or disabled members and to beneficiaries of retired members and of members who died in service; authorizing and appropriating amounts to finance the increases provided by this Act and prescribing the conditions under which portions of this Act become effective and declaring an emergency. (With amendments)

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE RESOLUTION 162

Senator Creighton offered the following resolution:

S.R. 162, Proclaiming February 12, 1975, as Shirley Cothran Day.

The resolution was read and was adopted.

MESSAGES FROM THE GOVERNOR

The following messages received from the Governor were read and were referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 11, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the State Board of Tuberculosis Nurse Examiners: For a six-year term to expire March 12, 1980: Miss Mildred Blair of Cisco, Eastland County is being reappointed.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Upper Neches River Municipal Water Authority: For a six-year term to expire January 1, 1981: Mr. John B. McDonald of Palestine, Anderson County is being reappointed.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Directors of the Guadalupe-Blanco River Authority: For a six-year term to expire February 1, 1981: Mr. Preston Austin Stofer of Long Mott, Calhoun County is replacing Mr. Thomas A. Garner, Jr. of Port Lavaca, Calhoun County whose term expired; Mr. H. Elliot Knox of New Braunfels, Comal County is being reappointed; Mr. A. C. Schwethelm of Comfort, Kendall County is replacing Mr. Arthur F. Leesch of Boerne, Kendall County whose term expired.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Advisory Council on Community Affairs: For a two-year term to expire January 31, 1977: Mr. Donald W. Harris of San Antonio, Bexar County is replacing The Honorable Albert D. Brown, Jr. of San Antonio, Bexar County who resigned; Mr. Jamie Clements of Temple, Bell County is being reappointed; Mr. Elbert Rudolph Day of Dallas, Dallas County is being reappointed; The Honorable Fred Hofheinz of Houston, Harris County is being reappointed; The Honorable Price K. Johnson of Refugio, Refugio County is being reappointed; Mr. Lewis D. Whitehead of Fort Davis, Jeff Davis County is being reappointed.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE RESOLUTION 117 ON SECOND READING

Senator Moore asked unanimous consent to suspend the regular order of business and take up S.R. 117 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up S.R. 117 for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 8, 1 Present Not Voting.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harris, Jones, Kothmann, Lombardino, Mauzy, Mengden, Moore, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Harrington, Longoria, McKinnon, McKnight, Meier, Patman and Schwartz.

Present Not Voting: Ogg.

The President laid before the Senate the following resolution:

S.R. 117, Commending Coordinating Board, Texas College and University System.

The resolution was read second time.

Senator Moore offered the following amendment to the resolution:

Amend Senate Resolution 117, line 45 of the printed resolution, by changing the words "\$1.4 million" to "\$1.4 billion" and the words "\$1.7 million" to "\$1.7 billion."

The amendment was read.

(Senator Andujar in the Chair)

The amendment was then adopted.

RECORD OF VOTE

Senator Harrington asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Moore offered the following amendment to the resolution:

Amend Senate Resolution 117 by adding the following language following the Resolving Clause:

"and be it further

"RESOLVED that no new institutions of higher learning be authorized unless recommended by the Coordinating Board, Texas College and University System."

The amendment was read.

(President in the Chair)

On motion of Senator Moore and by unanimous consent, the amendment was withdrawn.

Question - Shall the resolution as amended be adopted?

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 11, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 46, Approving, ratifying, and authorizing the action of the Attorney General in Cause Number 229,447, the State of Texas v. Southwestern Bell Telephone Company.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Wednesday, February 12, 1975

H.C.R. 36 - Senator Mauzy
H.J.R. 6 - Senator Traeger
H.B. 102 - Senator Aikin
H.B. 216 - Senator Aikin
S.B. 83 - Senator Doggett
S.B. 90 - Senator Doggett